

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 4, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-14692 - APPLICANT: SPEEDY CASH INC. - OWNER:
KMC II, LLC**

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (3-3-1/sd vote on a motion for approval) ended in a tie vote which is tantamount to DENIAL.

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Auto Title Loan use.
2. A Waiver is hereby approved to allow an Auto Title Loan to be located 80 feet from a residential use where a 200-foot separation is the minimum required.
3. A Waiver is hereby approved to allow an Auto Title Loan to be located 150 feet from another financial institution where a 1,000-foot separation is the minimum required.
4. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Special Use Permit for a proposed for a proposed Auto Title Loan; a waiver of the 200-foot separation distance from a parcel zoned for a residential use and a waiver of the 1,000-foot separation distance from another financial institution at 4343 North Rancho Drive, Suite #150.

EXECUTIVE SUMMARY

The proposed use as an Auto Title Loan would be located on a site that does not meet either of the required separation distances from other uses. This includes the 200-foot separation form residential use and the 1,000-foot separation from additional financial uses. The proposed Auto Title Loan cannot be conducted in a manner that is harmonious and compatible with surrounding land uses. Denial of this Special Use Permit request is recommended.

BACKGROUND INFORMATION

A) Related Actions

- 11/01/00 The City Council approved a Special Use Permit (U-154-00) for a Restaurant Service Bar at 4343 North Rancho Drive. The Planning Commission and staff recommended approval.
- 09/07/06 The Planning Commission 3-3-1/sd vote on a motion for approval ended in a tie vote which is tantamount to DENIAL (PC Agenda Item #43/ng).

B) Pre-Application Meeting

- 05/11/06 A pre-application meeting was held and elements of a Special Use Permit were discussed.

C) Neighborhood Meetings

A neighborhood meeting is not required for a Special Use Permit, nor was one held.

D) Business License Information

There is one business within 1,000 feet of the proposed Auto Title Loan use. The business has three licenses at 4458 North Rancho Drive. The following licenses are active on the subject site: Finance Company (F02-00292) issued on 07/26/05; Auto Title Loan Company (F14-00059) issued on 07/26/05; and Check Cashing Service (C21-00160) issued on 07/14/05.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Net Acres: 2.9

B) *Existing Land Use*

Subject Property: Shopping Center
 North: Retail Shops
 South: Commercial
 East: Undeveloped
 West: Mobile Home Park

C) *Planned Land Use*

Subject Property: SC (Service Commercial)
 North: SC (Service Commercial)
 South: SC (Service Commercial)
 East: SC (Service Commercial)
 West: L (Low Density Residential)

D) *Existing Zoning*

Subject Property: C-2 (General Commercial)
 North: C-2 (General Commercial)
 South: C-2 (General Commercial)
 East: C-2 (General Commercial) under Resolution of Intent to C-1 (Limited Commercial)
 West: R-MH (Mobile/Manufactured Home)

E) *General Plan Compliance*

The subject property is designated as SC (Service Commercial) under the Centennial Hills Sector Plan of the General Plan. The Service Commercial designation permits a variety of retail and commercial uses including the proposed use as an Auto Title Loan. The proposed use is in compliance with the General Plan; however it is considered inappropriate for the area due to the lack of separation from a residential use.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District	X	
Airport Overlay District	X	
Trails		X
Rural Preservation Overlay District		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Airport Overlay District

The subject property is located in the North Las Vegas Airport Overlay District 140-foot notification area. The existing building is approximately 33 feet in height and is not affected by this standard.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

The proposed use as an Auto Title Loan parks at a rate of 1:200. This is less restrictive than the previous use as a General Retail shop that parked at a rate of 1:175 as the shopping center is greater than 25,000 square feet. As this would improve the parking ratio on the site, a new parking analysis was not required for this application.

It is noted that this business will require 16 parking spaces at the 1:200 rate. The previous General Retail use required 19 spaces at the 1:175 rate.

A2) Minimum Distance Separation Requirements

Pursuant to Title 19.04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Auto Title Loan	Shall be located a minimum of 200 feet from any parcel used or zoned for residential use.	No, only 80 Feet is provided
	Shall be located a minimum of 1,000 feet from any other financial institution, auto title loan, or auto pawn use.	No, only 200 Feet is provided

The proposed Auto Title Loan use does not meet the required separation distances from other financial uses or from residential use. There is a mobile home park located directly across Torrey Pines Drive that is less than the required 200 feet from the proposed use. Additionally there is a use located in the shopping center on the northeast corner of Rancho Drive and Craig Road which is licensed for a Finance Company, Financial Institution, Specified, and an Automobile Title Loan.

B) General Analysis and Discussion

- Zoning

The subject property is zoned C-2 (General Commercial). The C-2 (General Commercial) District is designed to provide the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as mixed-use developments. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. The C-2 (General Commercial) District is also appropriate along commercial corridors. The proposed Auto Title Loan is permitted in the C-2 (General Commercial) District with approval of a Special Use Permit. This application, if approved, would satisfy that requirement.

- Use

AUTO TITLE LOAN [O, C-D, C-1, C-2]

(*1) The use shall comply with all applicable requirements of LVMC Title 6.

(*2) The building design and color scheme shall be subject to review by the Department to ensure that it will be harmonious and compatible with the surrounding area.

(3) No temporary signs (as described in LVMC 19.14.090) such as balloons, inflated devices, searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage purposes, or other similar devices are permitted, except that banners announcing a “grand opening” or that a business is “coming soon” may be approved administratively for a period not to exceed thirty days.

(4) Window signs shall not:

- (a) Cover more than twenty percent of the area of all exterior windows;
- (b) Include flashing lights or neon lighting; or

- (c) Include any text other than text that indicates the hours of operation and whether the business is open or closed.

(5) The hours of operation shall not extend beyond the hours of eight a.m. to eleven p.m.

(6) The building or portion thereof that is dedicated to the use shall have a minimum size of one thousand five hundred square feet, and shall be designed to have sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space (such as “teller” windows or desks).

(7) No auto title loan use may be located closer than two hundred feet from any parcel used or zoned for residential use. In addition, no auto title loan use may be located closer than one thousand feet from any other auto title loan use, auto pawn use or specified financial institution use. For purposes of this Paragraph (7), distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term “property line” refers to property lines of fee interest parcels and not leasehold parcels.

- Conditions

There are no special conditions related to this Special Use Permit request.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed use as an Auto Title Loan establishment would be located on a site that does not meet either of the required separation distances from other uses. This includes the 200-foot separation from residential use and the 1,000-foot separation from additional financial uses. In fact the shopping center to the northeast has three additional financial institution specified licenses. Due to the number of financial uses already in place near this location and its proximity to residential use the proposed Auto Title Loan cannot be conducted in a manner that is harmonious and compatible with surrounding land uses. Denial of this Special Use Permit request is recommended.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

While the subject property is physically suitable for this type and intensity of development, the location is deemed inappropriate due to the incompatibility with surrounding development.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The location gains access from Rancho Drive, Craig Road, and Torrey Pines Drive. The smallest of these is Torrey Pines Drive, an 80-foot Secondary Collector. These streets provide adequate access to and from the development.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Approval of this Special Use Permit would create a saturation of similar uses in this area. This would be considered contrary to the overall objectives of the General Plan; therefore, denial of this application is recommended.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 1

SENATE DISTRICT 4

NOTICES MAILED 191 by City Clerk

APPROVALS 0

PROTESTS 2